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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/830,698	08/01/2001	Jorgen Fenger	FENGER 1	1813

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EXAMINER

NOVOSAD, JENNIFER ELEANORE

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/830,698

Applicant(s)

FENGER, JORGEN

Examiner

Jennifer E. Novosad

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-51 and 53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23,24,29-31,37,39,41-43,46,47,51 and 53 is/are rejected.
- 7) ☒ Claim(s) 25-28,32-36,38,40,44,45 and 48-50 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 April 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

At the outset, it is noted that the examiner of record in this application has changed.

Please direct all future proceeding to Examiner Jennifer E. Novosad, Art Unit 3634.

This non-final office action is in response to (a) the Remarks filed on January 13, 2005 in response to the Notice of Non-Responsive amendment mailed December 13, 2004, and (b) the amendment filed August 4, 2004 by which claims 23-51 and 53 were amended.

Claim Objections

Claims 23 and 53 are objected to because of the following informalities:

In line 11 of claim 23 and line 11 of claim 53, as a suggestion, it appears that perhaps "plane" should be changed to --planar--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 23, 24, 29-31, 37, 39, 41-43, 46, 47, 51, and 53 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claim 23 recites the limitation "the crosswise direction" in each of lines 6, 7, 14-15, and 19. There is insufficient antecedent basis for this limitation in the claim. *Accordingly*, the structural orientation is unclear. This rejection is also applicable to claim 53.

Claim 23 is rendered indefinite since it is unclear whether "a stop" set forth in line 16 of the claim is the same "stop" set forth in line 12 of the claim or whether an additional stop is being required. *Thus*, the metes and bounds of the claim cannot be properly ascertained since one would not know whether one or two stops are being required. It is noted that the same reference numerals have been used in the claim. *Accordingly*, "the stop" recited in line 3 of claim 34 lacks proper antecedent basis in the claim. This rejection is also applicable to claim 53.

Claim 23 recites the limitation "the edge" in line 20. There is insufficient antecedent basis for this limitation in the claim. See also claim 53, line 20.

Claim 24 is rendered indefinite since the structural relationship between the elements is unclear. It is noted that claim 23 does not set forth that a stop is behind the "retaining means". This rejection is also applicable to claims 29-31 and 53 (note the last two lines).

Claim 37 is rendered indefinite since it is unclear what defines "constitutes", i.e., how can one wall "constitute" two stops? *Further*, "the two stops" lacks proper antecedent basis in the claim.

Claims 39 and 41 recite the limitation "the holders". There is insufficient antecedent basis for this limitation in the claim. It is noted that claims 38 and 40 set forth "a holder".

Claim 42 is rendered indefinite since the structural relationship between the elements is unclear, i.e., it is unclear to where the suspension means is located. *Similarly*, each of claims 43, 46, and 47 are also rendered indefinite since the structural relationship between the elements

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listed in each claim and the device is unclear, e.g., it is unclear (a) whether the suspension means comprises the supporting means, (b) where are the legs located, and (c) where the catching means is located.

Claim 51 is rendered indefinite since it is unclear whether the elements listed therein are different than the similarly named elements already set forth.

Allowable Subject Matter

Claims 23 and 53 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action, claims 24, 29-31, 37, 39, 41-43, 46, 47, and 51 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action, and claims 25-28, 32-36, 38, 40, 44, 45, and 48-50 are objected to as being dependent upon a rejected base claim.

Response to Arguments

Applicant's arguments, see the Remarks, filed August 4, 2004, with respect to the Jencka reference have been fully considered and are persuasive. It is noted that although applicant failed to argue the other references utilized in the previous Office action, Jencka fails to show the elements in the claims as previously indicated, as argued by applicant.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer E. Novosad whose telephone number is (703)-305-2872. The examiner can normally be reached on Monday-Thursday, 5:30am-4:00pm.

Please note, that due to the relocation of the U.S. Patent and Trademark Office from Arlington to Alexandria, Virginia, the Examiner's phone number will be changed. After April 7, 2005, please contact the Examiner at (571) 272-6832.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (703)-308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jennifer E. Novosad
Primary Examiner
Art Unit 3634

Jennifer E. Novosad/jen
March 17, 2005